

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LAURA A. YANAKEFF,

Plaintiff,

v.

Case No. 2:12-13221
Hon. Gerald E. Rosen

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS and
FREEDOM MORTGAGE
CORPORATION,

Defendants.

**ORDER REGARDING
DEFENDANT'S MOTION TO DISMISS**

In lieu of answering the initial complaint in this case, Defendants Mortgage Electronic Registration Systems ("MERS") and Freedom Mortgage Corporation filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6), arguing that Plaintiff Laura A. Yanakeff had failed to state a claim upon which relief could be granted under any the counts set forth in her complaint. In her response, Plaintiff, a pro se litigant, requested leave to amend her complaint, which this Court granted on March 7, 2013. Whereas Plaintiff's original complaint was difficult to decipher and left Defendant to speculate as to her asserted causes of action, her amended complaint, filed with assistance of counsel on March 15, 2013, includes claims that differ in many respects from the claims asserted in the initial complaint. In light of this amended pleading, Defendants' challenge to the

initial complaint is now moot. Accordingly,

NOW, THEREFORE, IT IS HEREBY ORDERED that Defendants' August 21, 2012 motion to dismiss (docket #9) is DENIED AS MOOT. Through the present order, of course, the Court expresses no view as to the merits of Plaintiff's amended complaint, and does not preclude Defendants from filing any appropriate motion -- including a motion to dismiss -- in relation to that complaint.

IT IS SO ORDERED.

S/Gerald E. Rosen
Chief Judge, United States District Court

Dated: March 25, 2013

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 25, 2013, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5135